

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CHRISTOPHER WRALEY
and ERICKA WRALEY,

Plaintiffs,

v.

TAYLOR MONEN, individually and d/b/a
Milk and Honey, TACO MAMACITA, LLC,
TACO MAMACITA NASHVILLE, LLC,
MILK & HONEY NASHVILLE, LLC,
and GRAVEL RIDGE FARMS, LLC

Defendants.

Docket No. 19c97
JURY DEMAND

FILED JAN 11 PM 2:36
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COMPLAINT

Plaintiffs, Christopher and Ericka Wraley ("Plaintiffs") for their cause of action against the Defendants, Taylor Monen (individually and d/b/a Milk and Honey), Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, and Gravel Ridge Farms, LLC (collectively, "Defendants"), state as follows:

I. THE PARTIES, JURISDICTION, AND VENUE

1. Plaintiffs are husband and wife adult residents of Nashville, Davidson County, Tennessee, and were so at all relevant times.

2. Defendant Taylor Monen is a citizen of Chattanooga, Hamilton County, Tennessee, and may be served with process at 1018 Dallas Road, Chattanooga, TN 37405-2707.

3. Defendant Taco Mamacita, LLC is a Tennessee corporation and may be served through its registered agent for service of process, Michael Monen, at 1018 Dallas Road, Chattanooga, TN 37405-2707.

4. Defendant Taco Mamacita Nashville, LLC is a Tennessee corporation and may be served through its registered agent for service of process, Michael Monen, at 1018 Dallas Road, Chattanooga, TN 37405-2707.

5. Defendant Milk & Honey Nashville, LLC is a Tennessee corporation and may be served through its registered agent for service of process, Evans Harrison Hackett, PLLC, at One Central Plaza, Suite 800, 835 Georgia Avenue, Chattanooga, TN 37402-2225.

6. Defendant Gravel Ridge Farms, LLC is an Alabama corporation doing business in Tennessee (although not registered to do business through the Tennessee Secretary of State) and may be served through its registered agent for service of process, Dustin Smith, at 150 Bright Drive, Blountsville, AL 35031.

7. This Court has subject matter jurisdiction as a court of general jurisdiction.

8. All acts and omissions complained of, and injuries sustained occurred in, Nashville, Davidson County, Tennessee.

II. FACTUAL BACKGROUND

9. Defendant Taylor Monen is the owner and proprietor of a restaurant in Nashville, Tennessee known as "Milk and Honey," located at 214 11th Avenue South, Nashville, Tennessee 37203.

10. Upon information and belief, Defendant Taylor Monen is the sole owner or membership interest holder of Defendants Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, and Milk and Honey Nashville, Tennessee.

11. During and prior to August, 2018, Defendant Gravel Ridge Farms, LLC supplied raw eggs and/or raw egg product to the Milk and Honey restaurant to be used in preparation of food for consumption by the public.

12. The raw eggs and/or raw egg product supplied by Defendant Gravel Ridge Farms, LLC were unpasteurized.

13. Defendants Michael Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, and Milk and Honey Nashville, LLC knew these products to be unpasteurized, but obtained them anyway because they wanted to source "local foods."

14. Defendants Taylor Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, and Milk and Honey Nashville, LLC admittedly knew that the risk of salmonella contamination from eggs and

egg products is much higher from small "local" farms, such as Gravel Ridge Farms, LLC, and that the same are less likely to strictly follow food handling guidelines or store eggs at proper temperatures.

15. Nevertheless, Defendants Taylor Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, and Milk and Honey Nashville, LLC continued to source eggs and egg product from Defendant Gravel Ridge Farms, LLC for service to patrons of Milk and Honey.

16. During and prior to August 2018, Milk and Honey featured a menu item of "short rib gnocchi."

17. Milk and Honey prepared the gnocchi portion of the dish with flour and raw egg yolk, which was fashioned into dough, cut into pieces, and laid out on a pan for freezing.

18. On August 4, 2018, Plaintiffs dined at Milk and Honey.

19. On August 4, 2018, Plaintiff Christopher Wraley ordered and consumed the short rib gnocchi.

20. On August 5, 2018, Plaintiff Christopher Wraley fell ill with symptoms of fever, nausea, diarrhea, and vomiting.

21. When his symptoms did not subside, Mr. Wraley sought medical treatment, and was hospitalized at Centennial Medical Center on August 7, 2018, where he received treatment for extreme dehydration, onset of kidney failure, and extremely low sodium, which was later diagnosed as salmonella poisoning. He was discharged the following day.

22. Between August 3, 2018, and August 15, 2018, over twenty (20) other patrons of Milk and Honey who had consumed the short rib gnocchi fell ill with salmonella poisoning.

23. The Metro Public Health Department of Nashville and Davidson County ("Health Department") investigated the cause of these illnesses.

24. The Health Department deemed the poisoning of over twenty (20) people an "outbreak."

25. Environmental, epidemiologic, and laboratory evidence gathered by the Health Department and other cooperating health authorities linked the poisonings to raw egg product furnished by Defendant Gravel Ridge Farms, LLC.

26. The Health Department further found that the gnocchi served to Plaintiff Chris Wraley and similarly situated persons were "not being adequately cooked to destroy pathogens, [and] during reconstruction of events, portions of the raw gnocchi were cooked to 130°F, a cook-kill temperature well below the required 145°F.

27. The Health Department further found improper management oversight at the restaurant as a causative factor in the sickening of Plaintiff Chris Wraley, and similarly situated persons.

28. Specifically, the Health Department found:

First, there was a lack of management oversight into the preparation of the Short Rib Gnocchi. During the initial manager interview, boiling of the raw gnocchi was indicated. However, when reconstructing events, it was learned that boiling did not take place; instead, frozen, raw gnocchi was pan-seared upon order. In addition, there was no indication that Milk and Honey Management verified the egg source to be in compliance with local, state or federal regulations.

The second environmental antecedent was lack of employee training. It was learned through interview that on August 3, an employee unfamiliar with Short Rib Gnocchi was responsible for final cooking and preparation. This employee was reportedly not trained on measuring or verifying final cook temperatures of the raw gnocchi.

29. Defendant Taylor Monen wrote an email to the Health Department acknowledging the same, and stating:

After your visit on Friday we felt that our pasta cook that evening probably did not cook the gnocchi long enough to reach a temperature that would have completely killed this bacteria present in the gnocchi. In order to cook this gnocchi properly, it must be fully browned on all sides before the sauce is added to the pan and then the sauce and pasta water must be simmered for 4-5 minutes to reduce and finish cooking the gnocchi noodles. I know that Leah demonstrated this to you on Friday, but I am not confident that 100% of our staff understand the importance of following these steps perfectly, so we have continued to remove this menu item from our dinner menu and I am not certain that I will be keeping it on the menu unless I am able to acquire pasteurized egg product that we can use to make these gnocchi noodles.

30. The same email acknowledged the dangers of utilizing small farms for egg sourcing, and acknowledged safer alternatives from readily-available food suppliers.

31. Mr. Wraley was notified that his labs had tested positive for salmonella on August 10, 2018, and reported back to Centennial Hospital to have his kidneys rechecked at the request of his physicians, and was discharged with antibiotics.

32. Over the next week, Mr. Wraley's symptoms continued to worsen, he lost over twenty pounds, and began to experience heart palpitations and tachycardia.

33. On August 17, 2018, Mr. Wraley was admitted to Centennial Hospital and treated with intravenous antibiotics and was hospitalized for three (3) nights.

34. Mr. Wraley was discharged on August 20, 2018, and it took several weeks for him to fully recover, during which time he lost wages, income, and business opportunities.

35. As a result of the negligence and recklessness of the Defendants, Mr. Wraley suffered severe personal injuries and extreme discomfort, lost wages, income, and business opportunities, and was otherwise damaged.

36. As a result of the negligence and recklessness of the Defendants, Plaintiff Ericka Wraley suffered damages for loss of services/consortium.

COUNT I: NEGLIGENCE—ALL DEFENDANTS

37. Plaintiffs incorporate paragraphs 1-36 as if fully set forth at length.

38. The agents and employees of the restaurant owed a duty of reasonable care to its patrons and to Plaintiffs to ensure that the food served was safe for consumption.

39. The agents and employees of the restaurant serving contaminated gnocchi were negligent and breached this duty in failing to cook the gnocchi to a proper temperature, failing to appropriately supervise and train employees in food handling, failing to exercise reasonable care in verifying/selecting an egg supplier in compliance with local state and federal regulations regarding food handling and storage, and otherwise failing to exercise due care under the circumstances.

40. Defendant Taylor Monen, is liable in her individual capacity as the sole proprietor of Milk and Honey, for the negligence of employees and agents of the same.

41. Alternatively, and independent of the corporate status of defendants operating the restaurant, Defendant Taylor Monen individually assumed a duty of care to supervise and oversee the training of employees involved in the preparation of the food at Milk and Honey, and breached that duty as set forth above.

42. Alternatively, Defendants Taylor Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, Milk and Honey Nashville, LLC, are engaged in a joint-venture operation of a restaurant known as "Milk and Honey," and are all jointly and separately liable for the negligent acts and omissions of their agents and employees as alleged above.

43. Alternatively, Defendants Taylor Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, Milk and Honey Nashville, LLC, or some combination of these entities, own and/or operate "Milk and Honey," and are all jointly and separately liable for the negligent acts and omissions of their agents and employees as alleged above.

44. Alternatively, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, Milk and Honey Nashville, LLC, failed to appropriately collect paid-in capital, are/were grossly undercapitalized, failed to issue stock or membership certificates, are solely owned by Defendant Taylor Monen, use the same office or business location, use their corporate forms as mere instrumentalities or business conduits for Defendant Taylor Monen, and fail to maintain arms-length transactions among the corporate entities such that the corporate form should be disregarded, and Defendant Taylor Monen should be personally liable for the acts and omissions of the same, as alleged above.

45. Defendant Gravel Ridge Farms, LLC owed a duty of reasonable care to take appropriate steps in the handling and storage of raw egg products to ensure that consumers of the same did not become sickened with salmonella.

46. Defendant Gravel Ridge Farms, LLC breached this duty and was negligent by failing to have appropriate food handling and storage procedures in place, and otherwise by violating applicable federal, state, and local regulations.

47. As a result of all of the above, Plaintiffs were injured and damaged.

COUNT II: PUNITIVE DAMAGES—ALL DEFENDANTS

48. Plaintiffs incorporate paragraphs 1-47 as if fully set forth at length.

49. The acts and omissions of Defendants Taylor Monen, Taco Mamacita, LLC, Taco Mamacita Nashville, LLC, Milk and Honey Nashville, LLC were reckless in that they:

- a. utilized a small farm to source its egg products without verifying its compliance with federal, state or local regulations, or appropriate food handling and storage practices;
- b. did so while knowing and acknowledging that using a small farm carries an increased risk of receiving product contaminated with pathogens like salmonella;
- c. did so while acknowledging that there was a readily available and likely safer and pasteurized source of egg product;
- d. did so for the sole reason that the restaurant could market their products as "locally sourced" and charge higher prices for food products with known increased risk of pathogens;
- e. otherwise made efforts to put profits over the safety of their patrons; and
- f. grossly failed to ensure that the employees handling raw egg were appropriately trained to cook the products to the proper temperatures to insure that patrons of the restaurant were not sickened.

50. Defendant Gravel Ridge Farms was reckless in ignoring federal, state, and local regulations and food safety and handling practices designed to avoid the transmission of food-borne illnesses such as salmonella.

WHEREFORE, having fully set forth their cause of action against the Defendants, Plaintiffs Christopher Wraley and Ericka Wraley respectfully request the following relief:

1. That the Complaint be received for filing and service upon the Defendants;
2. That the Defendants be required to respond within the time periods provided by law;
3. That judgment be entered in favor of Christopher Wraley and against the Defendants in an amount to be proven at trial, but not to exceed \$500,000.00;
4. That judgment be entered in favor of Ericka Wraley for consortium damages in an amount to be proven at trial, but not to exceed \$75,000.00;
5. That punitive damages be assessed against the Defendants in an amount to be proven at trial, but not to exceed \$1 million; and

6. For such further and general relief Plaintiffs may appear entitled.

Respectfully submitted,


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COST BOND

We are surety for costs not to exceed \$1,000.00.


SURBER, ASHER, SURBER, & MOUSHON, PLLC

Matthew A. Moushon, Esq., Member